

# EXHIBIT “B”



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# Transcript of Patrick Dubinski

**Date:** March 1, 2024  
**Case:** Warnick -v- Delmarva Power & Light Co.

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Conducted on March 1, 2024

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|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | work station?                                     | 10:20:16 |
| 2  | A. There were electrical standards, Delmarva      | 10:20:17 |
| 3  | Power's electrical standards, which are based off | 10:20:25 |
| 4  | of OSHA codes and any NSEC code, code books.      | 10:20:26 |
| 5  | Q. Okay. So, so does Delmarva have a              | 10:20:32 |
| 6  | separate book of standards?                       | 10:20:40 |
| 7  | A. Yes.                                           | 10:20:42 |
| 8  | Q. Okay.                                          | 10:20:42 |
| 9  | A. Yes.                                           | 10:20:44 |
| 10 | Q. And what is that called?                       | 10:20:44 |
| 11 | A. Electrical Standard -- Distribution of         | 10:20:45 |
| 12 | Electrical Standards. There's construction        | 10:20:51 |
| 13 | standards and material standards and engineering  | 10:20:54 |
| 14 | standards. When I worked there, there were those  | 10:20:57 |
| 15 | three, I believe.                                 | 10:21:06 |
| 16 | Q. And, and do any of those standards             | 10:21:08 |
| 17 | contain any, to your recollection, any, anything  | 10:21:15 |
| 18 | about --                                          | 10:21:18 |
| 19 | A. No.                                            | 10:21:23 |
| 20 | (Reporter asks for last word to be                | 10:21:23 |
| 21 | restated.)                                        | 10:21:23 |
| 22 | MR. FOLEY: Maintenance.                           | 10:21:23 |

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1 Q. -- or standard called -- 10:24:48

2 MR. FOLEY: Let him finish. I'm sorry. 10:24:49

3 Go ahead. 10:24:51

4 THE WITNESS: Sorry. 10:24:51

5 BY MR. TIMONEY: 10:24:51

6 Q. While you worked at Delmarva were you 10:24:52

7 aware that there was a guideline or standard 10:24:54

8 called NFPA 70B, Recommended Practice For 10:24:56

9 Electrical Equipment and Maintenance? 10:24:59

10 MR. FOLEY: Objection. Go ahead and 10:25:01

11 answer. 10:25:02

12 THE WITNESS: Yes. 10:25:02

13 BY MR. TIMONEY: 10:25:03

14 Q. Okay. And how was it you were aware of 10:25:07

15 that? 10:25:09

16 A. So we had a safety, like, manager and 10:25:11

17 they were -- it was their responsibility for 10:25:16

18 reviewing and implementing any NFPA guidelines. 10:25:21

19 Myself, as an engineer, I was more on the National 10:25:24

20 Electrical Code and National Electrical Safety 10:25:26

21 Code. 10:25:29

22 Q. Who was the safety manager? 10:25:29

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|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | like me.                                          | 10:40:44 |
| 2  | Q. Is that the one with the back of the           | 10:40:44 |
| 3  | head?                                             | 10:40:46 |
| 4  | A. Yes.                                           | 10:40:46 |
| 5  | Q. On the left side of the picture?               | 10:40:47 |
| 6  | A. Yes.                                           | 10:40:48 |
| 7  | Q. And who are you with in that picture?          | 10:40:49 |
| 8  | A. Tommy Jones, I believe his name is.            | 10:40:51 |
| 9  | Q. Okay. And do you know where this picture       | 10:40:56 |
| 10 | was taken?                                        | 10:41:00 |
| 11 | A. I do not know where specifically it was        | 10:41:01 |
| 12 | taken, no.                                        | 10:41:03 |
| 13 | Q. Okay. Who's Tommy Jones and what --            | 10:41:04 |
| 14 | A. He's, he was a construction supervisor.        | 10:41:09 |
| 15 | Q. Okay.                                          | 10:41:11 |
| 16 | A. Sorry to interrupt. I'm sorry.                 | 10:41:16 |
| 17 | Q. That's fine. And do you recall any             | 10:41:17 |
| 18 | occasion before preparing for your deposition     | 10:41:23 |
| 19 | today where you saw this picture before?          | 10:41:25 |
| 20 | A. No.                                            | 10:41:28 |
| 21 | Q. Okay. Do you recall prior to preparing         | 10:41:29 |
| 22 | for your deposition an occasion where you saw any | 10:41:33 |

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1 of the pictures in the packet marked as Dubinski 2 10:41:36  
2 before? 10:41:39  
3 A. Yes. 10:41:42  
4 Q. And tell me what you recall about that. 10:41:42  
5 A. Some of these pictures were taken for, 10:41:46  
6 for various reasons. One of them was the 10:41:52  
7 equipment inside the rooms and discussing this 10:41:54  
8 with leadership on how -- you know, types of 10:42:00  
9 standards to replace it with. 10:42:03  
10 Q. Okay. All right. And so if you look at 10:42:07  
11 the picture where there's you and another person, 10:42:11  
12 the next picture is a picture of -- is this 10:42:14  
13 picture; is that right? 10:42:19  
14 A. Correct. 10:42:21  
15 Q. And is that -- what is that a picture of? 10:42:22  
16 A. It's a picture of, it's a picture of a 10:42:26  
17 switch with some fuses for the electrical cables. 10:42:33  
18 Q. And is that a high voltage switch? 10:42:36  
19 A. Yes. Well, high voltage meaning voltage, 10:42:42  
20 meaning voltage would be like 12,000 volts. 10:42:45  
21 Q. And do you know where this was located? 10:42:51  
22 A. No. 10:42:54

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|    |                                                  |          |
|----|--------------------------------------------------|----------|
| 1  | Q. And was this a -- is that picture some of     | 10:42:55 |
| 2  | the equipment that you'd talked about presenting | 10:43:03 |
| 3  | that photo to leadership?                        | 10:43:08 |
| 4  | A. Not this specific photo, no.                  | 10:43:09 |
| 5  | Q. But how about that type of equipment?         | 10:43:13 |
| 6  | A. Yes.                                          | 10:43:15 |
| 7  | Q. Okay. And what, if anything, was              | 10:43:16 |
| 8  | discussed with leadership about that type of     | 10:43:19 |
| 9  | equipment?                                       | 10:43:21 |
| 10 | A. Working with standards to develop how,        | 10:43:23 |
| 11 | how to replace it --                             | 10:43:30 |
| 12 | Q. Okay. Well --                                 | 10:43:33 |
| 13 | A. -- and, and to quantify how many of those     | 10:43:42 |
| 14 | that were on the property that Delmarva had.     | 10:43:44 |
| 15 | Q. Okay. And, and when did you do the work       | 10:43:47 |
| 16 | of quantifying how many Delmarva had?            | 10:43:51 |
| 17 | A. Around 2018 to 2019.                          | 10:43:54 |
| 18 | Q. And how was that done? How was that work      | 10:43:57 |
| 19 | done to quantify how many they had?              | 10:44:03 |
| 20 | A. Records, mapping records, and some of         | 10:44:05 |
| 21 | these audits.                                    | 10:44:08 |
| 22 | Q. And were any done by personal inspection?     | 10:44:13 |

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1 A. No. 10:44:19

2 Q. Okay. And was any sort of report 10:44:21

3 prepared in connection with that? 10:44:31

4 A. No. 10:44:34

5 Q. Did, did someone come up with a number as 10:44:34

6 to how many of these types of switches were out 10:44:40

7 there on Delmarva's network? 10:44:44

8 A. Switches particularly, no; but in the 10:44:46

9 rooms, yes. We had, we had a list of the rooms 10:44:48

10 that had these type of switches and transformers 10:44:52

11 inside. 10:44:56

12 Q. Okay. And, and do you know what that 10:44:57

13 list was called? 10:44:59

14 A. No, I don't know. 10:44:59

15 Q. And that was sometime around 2018 or 10:45:02

16 2019? 10:45:05

17 A. Correct, correct. 10:45:06

18 Q. And do you know what department 10:45:07

19 maintained that list? 10:45:09

20 A. It was in our -- 10:45:10

21 MR. FOLEY: Objection. Go ahead. 10:45:11

22 THE WITNESS: It was in our reliability 10:45:12

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1 department. 10:45:14

2 BY MR. TIMONEY: 10:45:14

3 Q. Okay. Do you know what the list was 10:45:15

4 called? 10:45:18

5 A. I don't, I don't recall. 10:45:19

6 Q. And do you know who the author of the 10:45:22

7 list was? 10:45:26

8 A. Myself and Ron Browning. 10:45:27

9 Q. And while you worked here, did you have a 10:45:30

10 copy of that list? 10:45:37

11 A. Yes. 10:45:37

12 Q. Okay. Do you know anyone else who had a 10:45:38

13 copy of that list? 10:45:43

14 A. It was on our shared, shared drive. 10:45:44

15 Q. Okay. And where was it located on the 10:45:47

16 shared drive? 10:45:51

17 A. I don't recall. 10:45:52

18 Q. Well, can we narrow it down? Was it, was 10:45:53

19 it on a certain department's section of the shared 10:45:58

20 drive? 10:46:00

21 A. Possibly, yes. I don't -- at the time we 10:46:03

22 had like a Bay Regional folder -- 10:46:10

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1 Q. Uh-huh. 10:46:10

2 A. -- and we also had a Maryland and 10:46:12

3 Delaware folder. I'm not sure specifically where 10:46:14

4 it was. But within one of those folders we had, 10:46:17

5 it was like a high rise, we called them high rise 10:46:20

6 folders with high rise pictures and lists. 10:46:24

7 Q. Okay. And what does that reference; the 10:46:29

8 word high rise? 10:46:31

9 A. Buildings that were higher than four 10:46:32

10 stores. 10:46:35

11 Q. Okay. And if, if you were -- when you 10:46:35

12 worked here, if you wanted to reference that list 10:46:45

13 on your shared drive how would you -- where would 10:46:48

14 you go? Like literally, what do you click through 10:46:50

15 to get to it? 10:46:54

16 A. I don't -- I can't remember -- 10:46:55

17 Q. Okay. 10:46:57

18 A. -- specifically the order of where it 10:46:58

19 was. 10:47:00

20 Q. Who, who was your boss at the time when 10:47:00

21 this list was prepared? 10:47:04

22 A. Shirley Banks. 10:47:05

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1           MR. FOLEY: I didn't get that. I'm           10:47:07  
2           sorry.                                                 10:47:08  
3           THE WITNESS: Shirley Banks, B-A-N-K-S.       10:47:08  
4 BY MR. TIMONEY:                                               10:47:13  
5 Q.       Did she also have a copy of the list?       10:47:13  
6 A.       Possibly, yes.                                       10:47:17  
7 Q.       Did you ever have occasion to discuss the   10:47:18  
8 list with her?                                                 10:47:22  
9 A.       Yes. Yeah.                                            10:47:23  
10 Q.      Okay. And tell me I guess first off,        10:47:24  
11 what was presented? You mentioned presenting        10:47:40  
12 things to a higher level of people about changing   10:47:46  
13 these rooms; is that right?                               10:47:50  
14 A.       Yes.                                                10:47:52  
15 Q.       Okay. So --                                       10:47:55  
16 A.       Or developing a process to change the        10:47:57  
17 rooms or seek equipment to, to replace the rooms    10:48:01  
18 with --                                                       10:48:09  
19 Q.       Okay.                                               10:48:09  
20 A.       -- approved equipment.                           10:48:11  
21 Q.       And, and who was -- what was that called;   10:48:13  
22 that, that process that you developed?                10:48:21

1 A. It wasn't, so it wasn't, it wasn't 10:48:23  
2 complete, but like our manager at the time, Dan 10:48:26  
3 Guy, it was like to seek his support for replacing 10:48:31  
4 the, like replacing the switches or looking at 10:48:41  
5 having spare equipment such as (indiscernible 10:48:45  
6 words). 10:48:45

7 (Reporter clarifies record.) 10:48:45

8 Q. Dry type transformers. 10:48:48

9 A. Dry type transformers. 10:48:48

10 MR. FOLEY: He says dry type quickly. I 10:48:54  
11 struggle with her stuff. You're doing great. 10:48:55

12 BY MR. TIMONEY: 10:48:58

13 Q. And, and so, so was there a particular 10:49:04  
14 document prepared for Mr. Guy or -- 10:49:08

15 A. No. It was, it was, at the time it was 10:49:10  
16 the reviewing the magnitude of the types of 10:49:15  
17 equipment that were in the rooms. 10:49:23

18 Q. Okay. 10:49:25

19 A. Or I don't know what you want to call it. 10:49:27  
20 Yeah, it was like the magnitude. The number of, 10:49:34  
21 number of switches or number of transformers. It 10:49:37  
22 was to work on how many of them are there for 10:49:39

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1 budgetary reasons and for, you know, future 10:49:44  
2 projects. 10:49:47  
3 Q. And was a budget prepared? 10:49:48  
4 A. No, not, not when I was here. 10:49:50  
5 Q. Okay. And was it presented to anyone for 10:49:52  
6 support? 10:49:59  
7 A. No, not when I was here. 10:50:00  
8 Q. And if you -- who, who thought or who 10:50:04  
9 generated the idea that these are rooms that 10:50:12  
10 should be -- where equipment should be switched or 10:50:15  
11 changed? 10:50:21  
12 MR. FOLEY: Objection to the form and 10:50:21  
13 foundation. Go ahead. 10:50:23  
14 THE WITNESS: Can you ask the question 10:50:24  
15 again? 10:50:26  
16 BY MR. TIMONEY: 10:50:26  
17 Q. Yes. I'm trying to -- so my 10:50:27  
18 understanding is that you were tasked with 10:50:31  
19 determining how many such rooms existed and, and 10:50:36  
20 for developing a process for switching out the 10:50:42  
21 equipment in that room; is that right? 10:50:49  
22 MR. FOLEY: Objection. Go ahead and 10:50:51

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1 answer. 10:50:52

2 THE WITNESS: I was not specifically 10:50:52

3 tasked with that. It was an -- as myself as a 10:50:53

4 regional engineer was to look at or determine 10:50:59

5 if such projects or programs should exist. 10:51:03

6 BY MR. TIMONEY: 10:51:07

7 Q. Okay. But -- and did you reach a 10:51:08

8 conclusion as to whether it should exist? 10:51:11

9 MR. FOLEY: Objection. Go ahead and 10:51:12

10 answer. 10:51:14

11 THE WITNESS: For projects and programs, 10:51:14

12 yes. So at the time it was the project 10:51:16

13 initiation part of it. So it was gathering 10:51:20

14 data, looking at how many of them are there. 10:51:23

15 And then it wasn't in -- we weren't into 10:51:27

16 executing anything at that time. It was just 10:51:31

17 the initiation part of it. 10:51:33

18 BY MR. TIMONEY: 10:51:35

19 Q. Okay. And who initiated it? 10:51:35

20 A. Myself and with construction. So like 10:51:43

21 one of the individuals in the picture was like 10:51:48

22 Tommy. He was one of the supervisors. So it was, 10:51:51

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|    |                                                  |          |
|----|--------------------------------------------------|----------|
| 1  | Q. And was this a -- is that picture some of     | 10:42:55 |
| 2  | the equipment that you'd talked about presenting | 10:43:03 |
| 3  | that photo to leadership?                        | 10:43:08 |
| 4  | A. Not this specific photo, no.                  | 10:43:09 |
| 5  | Q. But how about that type of equipment?         | 10:43:13 |
| 6  | A. Yes.                                          | 10:43:15 |
| 7  | Q. Okay. And what, if anything, was              | 10:43:16 |
| 8  | discussed with leadership about that type of     | 10:43:19 |
| 9  | equipment?                                       | 10:43:21 |
| 10 | A. Working with standards to develop how,        | 10:43:23 |
| 11 | how to replace it --                             | 10:43:30 |
| 12 | Q. Okay. Well --                                 | 10:43:33 |
| 13 | A. -- and, and to quantify how many of those     | 10:43:42 |
| 14 | that were on the property that Delmarva had.     | 10:43:44 |
| 15 | Q. Okay. And, and when did you do the work       | 10:43:47 |
| 16 | of quantifying how many Delmarva had?            | 10:43:51 |
| 17 | A. Around 2018 to 2019.                          | 10:43:54 |
| 18 | Q. And how was that done? How was that work      | 10:43:57 |
| 19 | done to quantify how many they had?              | 10:44:03 |
| 20 | A. Records, mapping records, and some of         | 10:44:05 |
| 21 | these audits.                                    | 10:44:08 |
| 22 | Q. And were any done by personal inspection?     | 10:44:13 |

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1 A. No. 10:44:19

2 Q. Okay. And was any sort of report 10:44:21

3 prepared in connection with that? 10:44:31

4 A. No. 10:44:34

5 Q. Did, did someone come up with a number as 10:44:34

6 to how many of these types of switches were out 10:44:40

7 there on Delmarva's network? 10:44:44

8 A. Switches particularly, no; but in the 10:44:46

9 rooms, yes. We had, we had a list of the rooms 10:44:48

10 that had these type of switches and transformers 10:44:52

11 inside. 10:44:56

12 Q. Okay. And, and do you know what that 10:44:57

13 list was called? 10:44:59

14 A. No, I don't know. 10:44:59

15 Q. And that was sometime around 2018 or 10:45:02

16 2019? 10:45:05

17 A. Correct, correct. 10:45:06

18 Q. And do you know what department 10:45:07

19 maintained that list? 10:45:09

20 A. It was in our -- 10:45:10

21 MR. FOLEY: Objection. Go ahead. 10:45:11

22 THE WITNESS: It was in our reliability 10:45:12

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1 department. 10:45:14

2 BY MR. TIMONEY: 10:45:14

3 Q. Okay. Do you know what the list was 10:45:15

4 called? 10:45:18

5 A. I don't, I don't recall. 10:45:19

6 Q. And do you know who the author of the 10:45:22

7 list was? 10:45:26

8 A. Myself and Ron Browning. 10:45:27

9 Q. And while you worked here, did you have a 10:45:30

10 copy of that list? 10:45:37

11 A. Yes. 10:45:37

12 Q. Okay. Do you know anyone else who had a 10:45:38

13 copy of that list? 10:45:43

14 A. It was on our shared, shared drive. 10:45:44

15 Q. Okay. And where was it located on the 10:45:47

16 shared drive? 10:45:51

17 A. I don't recall. 10:45:52

18 Q. Well, can we narrow it down? Was it, was 10:45:53

19 it on a certain department's section of the shared 10:45:58

20 drive? 10:46:00

21 A. Possibly, yes. I don't -- at the time we 10:46:03

22 had like a Bay Regional folder -- 10:46:10

1                   MR. FOLEY: I didn't get that. I'm           10:47:07  
2                   sorry.                                                 10:47:08

3                   THE WITNESS: Shirley Banks, B-A-N-K-S.       10:47:08

4 BY MR. TIMONEY:                                                       10:47:13

5 Q. Did she also have a copy of the list?                   10:47:13

6 A. Possibly, yes.                                                    10:47:17

7 Q. Did you ever have occasion to discuss the               10:47:18  
8 list with her?                                                        10:47:22

9 A. Yes. Yeah.                                                        10:47:23

10 Q. Okay. And tell me I guess first off,                  10:47:24  
11 what was presented? You mentioned presenting               10:47:40  
12 things to a higher level of people about changing       10:47:46  
13 these rooms; is that right?                                    10:47:50

14 A. Yes.                                                            10:47:52

15 Q. Okay. So --                                                    10:47:55

16 A. Or developing a process to change the                10:47:57  
17 rooms or seek equipment to, to replace the rooms       10:48:01  
18 with --                                                            10:48:09

19 Q. Okay.                                                            10:48:09

20 A. -- approved equipment.                                    10:48:11

21 Q. And, and who was -- what was that called;        10:48:13  
22 that, that process that you developed?                    10:48:21

1 A. It wasn't, so it wasn't, it wasn't 10:48:23  
2 complete, but like our manager at the time, Dan 10:48:26  
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7 (Reporter clarifies record.) 10:48:45

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9 A. Dry type transformers. 10:48:48

10 MR. FOLEY: He says dry type quickly. I 10:48:54  
11 struggle with her stuff. You're doing great. 10:48:55

12 BY MR. TIMONEY: 10:48:58

13 Q. And, and so, so was there a particular 10:49:04  
14 document prepared for Mr. Guy or -- 10:49:08

15 A. No. It was, it was, at the time it was 10:49:10  
16 the reviewing the magnitude of the types of 10:49:15  
17 equipment that were in the rooms. 10:49:23

18 Q. Okay. 10:49:25

19 A. Or I don't know what you want to call it. 10:49:27  
20 Yeah, it was like the magnitude. The number of, 10:49:34  
21 number of switches or number of transformers. It 10:49:37  
22 was to work on how many of them are there for 10:49:39

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1 transformer -- 11:26:20

2 Q. Okay. 11:26:21

3 A. -- from what I recall. I don't 11:26:22

4 specifically know that for certain, but... 11:26:24

5 Q. Okay. And then turning back to DPL 526, 11:26:27

6 you don't recall exactly what was said in 11:26:38

7 connection with this slide? 11:26:41

8 A. No. 11:26:42

9 Q. Okay. All right. Turning to DPL 557. 11:26:43

10 Do you recall what was discussed in connection 11:27:01

11 with this slide? 11:27:03

12 A. Besides what's on the page, no. 11:27:04

13 Q. Okay. It references Upgrading Equipment. 11:27:08

14 Do you recall what specific equipment was 11:27:14

15 discussed -- well, let me ask you this. 11:27:17

16 During this presentation were you, did 11:27:22

17 you tell the Condo Association that Delmarva had a 11:27:28

18 plan to upgrade the equipment or was considering a 11:27:31

19 plan to upgrade the equipment? What, what were 11:27:35

20 they told? 11:27:38

21 A. Considering a plan. We didn't 11:27:39

22 specifically have a program or plan in place at 11:27:41

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1 that time. 11:27:44

2 Q. Okay. And did you give the Condo 11:27:45

3 Association any kind of timetable for when this 11:27:48

4 would be implemented? 11:27:50

5 A. I don't specifically remember. 11:27:52

6 Q. Okay. And did you, did you discuss 11:27:54

7 specific equipment? 11:28:02

8 A. No, no. 11:28:04

9 Q. Okay. So the first bullet point says 11:28:07

10 Relocation and Consolidation of Electrical 11:28:13

11 Equipment. What -- tell me about that. What, 11:28:15

12 what was the plan for relocating the electrical 11:28:19

13 equipment? 11:28:24

14 A. So there were alternatives discussed to, 11:28:24

15 to relocate some of the equipment outside, because 11:28:29

16 we have -- we had approved equipment for out, like 11:28:32

17 outside switch gear. Or transformers. Any 11:28:37

18 transformers too. It was more on the 11:28:40

19 transformers. 11:28:44

20 In some of the rooms they had dry type 11:28:45

21 transformers, like I said, that Delmarva didn't 11:28:47

22 have the equipment to replace those with. 11:28:48

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1 However, the oil-filled transformers were more 11:28:51  
2 readily available. So the relocation was more 11:28:55  
3 garnered to the transformers, moving the 11:29:00  
4 transformers out of the rooms into an outside 11:29:03  
5 space. 11:29:09

6 Q. Because they would not be dry 11:29:12  
7 transformers? Or why? Why move them out? 11:29:14

8 A. Availability of equipment. So like I 11:29:17  
9 said, Delmarva did not have dry type transformers 11:29:22  
10 readily available in stock and it was hard to find 11:29:25  
11 manufacturers for the certain size and type that 11:29:28  
12 were in those rooms. So the discussion was to 11:29:30  
13 relocate the transformers outside with equipment 11:29:34  
14 that we either already had or were more available 11:29:37  
15 to get. 11:29:41

16 Q. Okay. And to relocate equipment outside, 11:29:42  
17 would that be Delmarva paying to do that work or 11:29:47  
18 would the condo pay to do that work? 11:29:51

19 A. I don't -- I can't specifically answer 11:29:53  
20 that question. 11:29:58

21 Q. Okay. Do you know who can? 11:30:00

22 A. I don't know. 11:30:02

1 Q. Okay. So you mentioned transformers, but 11:30:06  
2 in the subject line here it says, "I.e., moving 11:30:08  
3 equipment out of electrical rooms to standard 11:30:14  
4 outdoor switch gear." So that references moving 11:30:17  
5 switch gear outside; correct? 11:30:20

6 A. Switch gear with transformers, yes. Yes. 11:30:22

7 Q. And what, what would be the reason for 11:30:23  
8 moving switch gear outside? 11:30:25

9 A. I don't specifically remember what was 11:30:26  
10 discussed about that. 11:30:30

11 Q. Do you recall any safety-related reasons 11:30:31  
12 for moving switch gear outside? 11:30:34

13 A. No. 11:30:36

14 MR. FOLEY: Okay. Mine is cut off. Let 11:30:41  
15 me just see the exhibit. I can't read it the 11:30:42  
16 way you got it. 11:30:46

17 MR. TIMONEY: Oh, no. 11:30:46

18 MR. FOLEY: I just wanted to -- 11:30:47

19 MR. TIMONEY: Yours is printed in the 11:30:49  
20 wrong direction. I'm sorry. 11:30:49

21 MR. FOLEY: I just wanted to see the 11:30:50  
22 sentence there. I'm sorry. Go ahead. 11:30:51

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|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Atlantic Avenue in Ocean City was at on one        | 11:44:41 |
| 2  | occasion or more than one occasion?                | 11:44:44 |
| 3  | A. More than one occasion.                         | 11:44:46 |
| 4  | Q. What was -- what were the reason you were       | 11:44:47 |
| 5  | there on other occasions?                          | 11:44:50 |
| 6  | A. Initially it was to identify how many           | 11:44:52 |
| 7  | rooms there were, confirm our records, our mapping | 11:44:58 |
| 8  | records, and then on a separate occasion it was to | 11:45:02 |
| 9  | like seek alternatives with construction for like  | 11:45:08 |
| 10 | future improvements.                               | 11:45:15 |
| 11 | Q. Okay. And did those future improvements         | 11:45:16 |
| 12 | include moving the switches to an outside          | 11:45:19 |
| 13 | location?                                          | 11:45:22 |
| 14 | A. We probably discussed it, but I don't           | 11:45:23 |
| 15 | recall specifically.                               | 11:45:25 |
| 16 | Q. Okay. Do you know if there was any              | 11:45:26 |
| 17 | documentation of your visits?                      | 11:45:28 |
| 18 | A. I don't remember.                               | 11:45:31 |
| 19 | Q. Normally when you were working in the           | 11:45:34 |
| 20 | reliability department and you visited a property, | 11:45:40 |
| 21 | would any record be made of that?                  | 11:45:42 |
| 22 | A. Possibly. Probably, yeah.                       | 11:45:44 |

1 Q. And what would that record be called? 11:45:53

2 A. I don't specifically know. They -- the 11:45:55

3 cars have, the Delmarva vehicles have Telogis, 11:46:04

4 which is like a tracking thing. I don't know if 11:46:08

5 it -- it doesn't say any reasons why, but I mean, 11:46:10

6 the vehicles, you know, track, you know, I guess 11:46:15

7 when and where the vehicle is. 11:46:21

8 Q. Okay. But I guess what I'm not 11:46:24

9 understanding is you were there as a Delmarva 11:46:27

10 employee performing a task of inspecting rooms; 11:46:29

11 correct? 11:46:29

12 A. Yes. 11:46:35

13 Q. And but as part of that job you didn't 11:46:35

14 record what you saw during the inspection? 11:46:41

15 A. I probably had notes for the, for the 11:46:43

16 visit. 11:46:47

17 Q. Okay. And where would those notes be 11:46:47

18 kept? 11:46:50

19 A. Probably in probably a binder, internal 11:46:50

20 or something, at the time. 11:46:54

21 Q. And do you know were those notes, were 11:46:55

22 they saved anywhere? 11:46:56

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1           that they're all photos of the Oceana I           11:50:52  
2           Condominium at 8201 Atlantic Avenue and           11:50:55  
3           specifically outside and around the room where           11:50:58  
4           the accident took place.                                   11:51:02  
5                                                                           (Dubinski Exhibits 7 and 8 were           11:51:02  
6                                                                           marked for identification.)                                   11:51:02  
7           BY MR. TIMONEY:                                           11:51:05  
8           Q.     Looking at Dubinski 7 --                           11:51:05  
9           MR. FOLEY:   That's this one.                           11:51:11  
10          BY MR. TIMONEY:                                           11:51:11  
11          Q.     -- the second page of that is labeled           11:51:14  
12          P765 and the third page is labeled P766. Were any           11:51:17  
13          of these labels placed by you?                                   11:51:31  
14          A.     Me specifically? I can't recall. It was           11:51:35  
15          myself and I think a trouble service person when           11:51:38  
16          we had these labels put on.                                   11:51:41  
17          Q.     Okay. So you added this label in, in or           11:51:42  
18          about 2019?                                                   11:51:46  
19          A.     Yes.                                                   11:51:48  
20          Q.     Okay. And what was the reason for, for           11:51:48  
21          putting that label on?                                           11:51:54  
22          A.     We were looking to do it at all the                                                                           11:51:55

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1 Dubinski 5 or Dubinski 6, I think you said you 11:53:56  
2 thought one of these was a substation label? 11:54:00  
3 A. Correct. Dubinski 5, I believe. 11:54:04  
4 Q. Okay. So in this substation label it 11:54:06  
5 says Qualified Personnel Only? 11:54:12  
6 A. Yes, I see that. 11:54:15  
7 Q. Okay. So, so that's a little bit 11:54:17  
8 different from the label you placed on the door; 11:54:21  
9 correct? 11:54:21  
10 A. Correct. 11:54:25  
11 Q. Was there a reason why you put this 11:54:26  
12 different label on the door as opposed to the 11:54:31  
13 substation label that's in the presentation? 11:54:33  
14 A. I don't, I don't know. I didn't have 11:54:35  
15 input. It went through our safety manager at the 11:54:37  
16 time and the vendor that provided the label. 11:54:41  
17 Q. And who was the safety manager? 11:54:43  
18 A. I don't remember his name. 11:54:45  
19 Q. Okay. Okay. So did you put -- sometime, 11:54:47  
20 when you visited sometime in -- was this same 11:55:16  
21 label put on other Condo Association doors? 11:55:21  
22 A. No. Not at that time, no. 11:55:24

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1 that work here. 11:58:23

2 Q. Okay. And do you know what, if any, 11:58:25

3 information was given to the condo about who 11:58:30

4 should or should not access that room? 11:58:33

5 A. I don't specifically know. 11:58:35

6 Q. Okay. Did you make any inspection of the 11:58:36

7 condition of that lock when you were there? 11:58:40

8 A. That one in particular, no. 11:58:43

9 Q. Okay. When you were looking at different 11:58:49

10 residential Condo Association buildings to look at 11:58:58

11 their switch rooms or electrical rooms, did you 11:59:01

12 have occasion to or reason sometimes to inspect 11:59:04

13 the locks or -- 11:59:08

14 A. Yes. 11:59:09

15 Q. And what -- 11:59:10

16 A. Yes. If it was rusted shut or we had 11:59:10

17 difficulty opening it, it would -- I think we were 11:59:16

18 just noting down possible, possible issues -- 11:59:19

19 Q. Okay. 11:59:24

20 A. -- with the door of the room itself. 11:59:25

21 Q. And if you saw that issue, what, if 11:59:26

22 anything, would you do? 11:59:29

1       A. At the time we were looking to get a                   11:59:30  
2 vendor with improvements to the door, the lock.           11:59:37  
3 So, so it was possible that it wouldn't shut           11:59:43  
4 completely.                                                   11:59:50

5       Q. Okay. So what, what kind of a vendor           11:59:50  
6 were you looking at?                                      11:59:54

7       A. Specifically it was Salisbury Door and           11:59:55  
8 Hardware.                                                  11:59:57

9       Q. Okay. And, and so what -- tell me about           11:59:59  
10 that. What do you recall about contacting             12:00:03  
11 Salisbury Door and Hardware?                            12:00:05

12      A. It was, it was to get their feedback on,           12:00:06  
13 you know, what, what type of -- you know, how a       12:00:13  
14 door like that would normally be locked. Or yeah,     12:00:19  
15 would normally be locked.                                12:00:23

16           In some of the other buildings that we        12:00:25  
17 visited they had vents that were rusted, doors had     12:00:27  
18 vents that were rusted. So I was taking note of     12:00:31  
19 some of those also. So it was a variety, it was a    12:00:35  
20 variety of, you know, kind of feedback from the     12:00:39  
21 vendor.                                                  12:00:42

22      Q. Okay. So but did Delmarva actually            12:00:43

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|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | replace any locks?                                 | 12:00:45 |
| 2  | A. No, no, no.                                     | 12:00:46 |
| 3  | Q. Did Delmarva make recommendations to any        | 12:00:48 |
| 4  | buildings to replace locks?                        | 12:00:50 |
| 5  | A. I -- that could have possibly happened,         | 12:00:55 |
| 6  | but not me specifically.                           | 12:00:59 |
| 7  | Q. Okay. And do you know if Delmarva made          | 12:01:01 |
| 8  | any recommendations to replace doors or vents on   | 12:01:03 |
| 9  | doors?                                             | 12:01:07 |
| 10 | A. Recommendations to whom.                        | 12:01:07 |
| 11 | Q. To anyone internally or to the condo, the       | 12:01:09 |
| 12 | building?                                          | 12:01:12 |
| 13 | A. Yeah, internally. Yeah, I mean, we had a        | 12:01:13 |
| 14 | quote from Salisbury Door and Hardware for locks   | 12:01:16 |
| 15 | or for replacing the vents or little improvements. | 12:01:19 |
| 16 | Q. And what happened to that quote?                | 12:01:28 |
| 17 | A. It never, it never, it never happened. I        | 12:01:30 |
| 18 | mean, it never went to fruition.                   | 12:01:33 |
| 19 | Q. Do you know why?                                | 12:01:36 |
| 20 | A. I couldn't get ahold of the vendor.             | 12:01:37 |
| 21 | Q. I don't understand.                             | 12:01:41 |
| 22 | A. Like we got a quote and then after like         | 12:01:43 |

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1 months of follow-up I wasn't getting any kind of 12:01:45  
2 feedback on when they could start or not start or 12:01:48  
3 anything like that. 12:01:50

4 Q. Okay. And when you called them, was it a 12:01:51  
5 quote to replace the lock on one door or multiple 12:01:53  
6 doors or what? 12:01:56

7 A. Multiple doors. 12:01:57

8 Q. Do you recall how many? 12:01:58

9 A. I don't remember specifically. 12:01:59

10 Q. Do you recall which condos? 12:02:01

11 A. I can't recall specifically. 12:02:04

12 Q. Do you recall if one of the condos was 12:02:06  
13 the Oceana condo? 12:02:08

14 A. Possibly, yeah. 12:02:11

15 Q. Okay. And at that time was it your idea 12:02:12  
16 that the door would be replaced by Delmarva with a 12:02:15  
17 lock that Delmarva would control? 12:02:24

18 MR. FOLEY: Objection. Go ahead. 12:02:26

19 THE WITNESS: I can't remember the 12:02:28  
20 specifics about it, about who had, who would 12:02:30  
21 have had the key or who would have had the 12:02:33  
22 lock. 12:02:35

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1 BY MR. TIMONEY: 12:02:35  
2 Q. And at the time was there any discussion 12:02:37  
3 about adding a padlock to the door? 12:02:38  
4 MR. FOLEY: Objection. Go ahead and 12:02:42  
5 answer. 12:02:43  
6 THE WITNESS: Possibly, yeah. Yeah. 12:02:43  
7 BY MR. TIMONEY: 12:02:45  
8 Q. What, if anything, do you remember about 12:02:45  
9 that discussion? 12:02:46  
10 A. I don't specifically -- I know the vendor 12:02:49  
11 recommended, I think he called it like a lock and 12:02:52  
12 saddle. Or lock, saddle and clasp. I don't 12:02:54  
13 remember specifically what it was. I think that 12:02:57  
14 could have been a lock that you could have added a 12:02:59  
15 padlock too, but I don't specifically remember. 12:03:02  
16 Q. If we look at Dubinski 8 -- here it is. 12:03:04  
17 The first page of Dubinski 8 is a photo marked 12:03:59  
18 DPL 013 and is that -- are those green boxes 12:04:03  
19 outdoor transformers? 12:04:10  
20 A. Yes. 12:04:11  
21 Q. Okay. And those transformer boxes have 12:04:12  
22 labels on them; is that right? 12:04:20

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|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | BY MR. TIMONEY:                                   | 12:15:13 |
| 2  | Q. Sure. But if you could see from the            | 12:15:13 |
| 3  | stuff stored in the room that, that people,       | 12:15:15 |
| 4  | non-Delmarva employees were accessing that room,  | 12:15:21 |
| 5  | doesn't that make it an emergency situation?      | 12:15:23 |
| 6  | A. In a sense, yes, I guess you could say         | 12:15:26 |
| 7  | that.                                             | 12:15:29 |
| 8  | Q. And so did you or anyone else at Delmarva      | 12:15:30 |
| 9  | respond in any way to take extra measures to      | 12:15:36 |
| 10 | secure a room if you saw that there was           | 12:15:40 |
| 11 | non-Delmarva equipment near switches?             | 12:15:44 |
| 12 | A. I don't recall specifically. Anything          | 12:15:45 |
| 13 | that was, anything that was noticed went through  | 12:15:48 |
| 14 | our safety manager and our public affairs manager | 12:15:53 |
| 15 | at the time.                                      | 12:15:57 |
| 16 | Q. And who was the safety manager?                | 12:15:58 |
| 17 | A. I don't remember his name.                     | 12:15:59 |
| 18 | Q. And who was the public affairs person?         | 12:16:01 |
| 19 | A. Jim Smith.                                     | 12:16:03 |
| 20 | MR. TIMONEY: Okay. That's all I have.             | 12:16:10 |
| 21 | MR. FOLEY: I'll reserve the rest for              | 12:16:11 |
| 22 | trial and we'll read and sign.                    | 12:16:14 |